

MAINE STATE LEGISLATURE

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R. d. S.

L.D. 1892

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DATE: 9/5/96

(Filing No. H-935)

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
117TH LEGISLATURE
SECOND SPECIAL SESSION**

HOUSE AMENDMENT "F" to COMMITTEE AMENDMENT "A" to H.P. 1390, L.D. 1892, Bill, "An Act to Implement the Compact for Maine's Forests"

Amend the amendment by striking out everything after the title and before the summary and inserting in its place the following:

'Amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

'Sec. 1. 12 MRSA §8868, sub-§1, as enacted by PL 1989, c. 555, §10, is repealed and the following enacted in its place:

1. Clear-cut. "Clear-cut" means any timber harvesting on a forested site greater than 5 acres in size that results in a residual stand that does not meet either of the following conditions:

A. The average residual basal area of acceptable growing stock trees 4.5 inches and over in diameter measured at 4 1/2 feet above the ground is 45 square feet per acre or more; or

B. The site has a well-distributed stand of acceptable growing stock trees of at least 5 feet in height that meets the regeneration standards defined under section 8869, subsection 1.

2 **Sec. 2. 12 MRSA §8869, sub-§13** is enacted to read:

4 **13. Clear-cuts prohibited.** Rules adopted by the
commissioner shall specify, at a minimum, that the use of
clear-cuts in timber harvesting operations is prohibited.

6 **Sec. 3. Intent of the Legislature; competing measure.** It is the
8 intent of the Legislature that this Act be interpreted as a
competing measure within the meaning of the Constitution of
10 Maine, Article IV, Part Third, Section 18, with Initiated Bill 4,
Legislative Document 1819 of the 117th Legislature, "An Act to
12 Promote Forest Rehabilitation and Eliminate Clearcutting." It is
the further intent of the Legislature that this measure be
14 subject to referendum as a competing measure with that bill.

16 **Sec. 4. Appropriation.** The following funds are appropriated
from the General Fund to carry out the purposes of this Act.

18
20 **1996-97**

22 **CONSERVATION, DEPARTMENT OF**

24 **Policy Planning and Information**

| | |
|--|----------|
| All Other | \$30,000 |
| Provides funds to cover the cost of rulemaking. | |

30 **Sec. 5. Statutory referendum procedure; submission at general**
election; form of question; effective date. This Act must be submitted
32 to the legal voters of the State of Maine at the next general
election in the month of November following passage of this Act
34 as a competing measure with Initiated Bill 4, Legislative
Document 1819 of the 117th Legislature, "An Act to Promote Forest
36 Rehabilitation and Eliminate Clearcutting." The municipal
officers of this State shall notify the inhabitants of their
38 respective cities, towns and plantations to meet, in the manner
prescribed by law for holding a statewide election, to vote on
40 the acceptance or rejection of this Act by voting on the
following question:

42 "Do you favor enactment of a prohibition of clear-cuts
44 greater than 5 acres?"

46 The legal voters of each city, town and plantation shall
vote by ballot on this question, and shall designate their choice
48 by a cross or check mark placed within a corresponding square
below the word "Yes" or "No." The ballots must be received,

sorted, counted and declared in open ward, town and plantation
meetings and returns made to the Secretary of State in the same
manner as votes for members of the Legislature. The Governor
shall review the returns and, if it appears that a majority of
the legal votes are cast in favor of the Act, the Governor shall
proclaim that fact without delay, and the Act takes effect
January 1, 1997.

The Secretary of State shall prepare and furnish to each
city, town and plantation all ballots, returns and copies of this
Act necessary to carry out the purpose of this referendum.'

FISCAL NOTE

1996-97

APPROPRIATIONS/ALLOCATIONS

General Fund \$30,000

This amendment replaces the bill. As amended by this
amendment, the bill will still be a competing measure with
Initiated Bill 4, L.D. 1819, "An Act to Promote Forest
Rehabilitation and Eliminate Clearcutting" and as such must be
submitted to the voters in November 1996. The cost of sending
this additional question out to referendum is estimated to be
approximately \$5,000. These costs can be absorbed within the
Department of the Secretary of State's existing budgeted
resources.

The Department of Conservation will require a General Fund
appropriation of \$30,000 in fiscal year 1996-97 for rule-making
costs. In addition, the Bureau of Forestry within the Department
of Conservation will incur some level of additional enforcement
and education costs and will be requesting future General Fund
appropriations of \$91,588 and \$94,678 including 2 additional
positions in fiscal year 1997-98 and fiscal year 1998-99,
respectively. A portion of this request represents underfunding
of the department's existing responsibilities. The amount of the
additional General Fund appropriations directly attributable to
this bill can not be determined at this time. Some amount of
these costs are also discretionary and will depend on the level
of enforcement and education desired by the Legislature.

The bill will also increase prosecutions for civil
violations. The additional workload and administrative costs
associated with the minimal number of new cases filed in the
court system can be absorbed within the budgeted resources of the
Judicial Department. The collection of additional fines may
increase General Fund revenue by minor amounts.

HOUSE AMENDMENT "F" to COMMITTEE AMENDMENT "A" to H.P. 1390,
L.D. 1892

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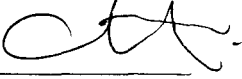
SUMMARY

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6 This amendment strikes Committee Amendment "A" and the bill
8 and inserts language that will put a simple question on
clear-cuts to the voters. This amendment also adds an
appropriation.

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SPONSORED BY: 
(Representative HEESCHEN)

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TOWN: Wilton

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